

The American Society for Deaf Children (ASDC) submits these comments to the Federal Communications Commission (FCC) in the matter of Closed Captioning of Video Programming; Telecommunications for the Deaf, Inc., Petition for Rulemaking, September 26, 2005 [CG Docket No. 05-231; FCC 05-142].

ASDC is a parent-run organization that supports and educates families of deaf and hard of hearing children and advocates for high quality programs and services. ASDC has had a long interest closed captioning for television. Deaf and hard of hearing children rely on captioning to access television's audio information. Television provides information and enjoyment to all. For deaf and hard of hearing children, most of whom have hearing parents, captioning allows children to enjoy television as an equal member of the family.

ASDC supports the petition submitted by Telecommunications for the Deaf, Inc., the Deaf and Hard of Hearing Consumer Advocacy Network, Self Help for Hard of Hearing People, the National Association of the Deaf, and the Association of Late-Deafened Adults, Inc. We offer our views on the following issues.

The FCC should adopt non-technical quality standards for closed captioning. Over the years since captioning has been mandated, it has become clear that such standards for completeness, accuracy, readability, and synchronicity with the audio are necessary. The usefulness of captioning is limited when captions are dropped, garbled, or filled with errors. Children watching captions with misspellings and mistakes often are not able to fill in the gaps to figure out what has been said. The FCC should develop standards that are in line with what hearing viewers expect from audio. For example, hearing viewers expect to hear audio for all the programming that broadcasts it. Typically audio is not dropped or garbled, and it does not include errors. Consumers should be able to expect 100 percent or near 100 percent accuracy of captions.

Consumers should have the opportunity to make immediate complaints. When watching programming with incomplete or poor captioning, consumers often are frustrated because they don't know whom to contact about them. The FCC should establish and maintain on its web site a database with contact information for video programming distributors and providers, enabling consumers to quickly locate whom to call with a complaint. The database should include names, addresses, TTY/toll free phone numbers, fax numbers, and e-mail addresses. Listings should be updated within seven days of any changes.

The FCC should simplify complaint procedures.

The FCC should adopt and make available a standard captioning complaint form that asks for necessary information and is easy to use. Further, the FCC should change its rules to require responses to complaints on quality issues within 30 days. Currently it can take up to four months - 120 days - if a consumer submits a complaint at the beginning of a quarter. This discourages consumers from bringing problems to the FCC's attention.

The FCC should assess penalties for poor or dropped captioning.

Without penalties there does not appear to be any incentive for distributors or providers to ensure that the captions are being broadcast and/or are accurate. As with other FCC rule violations, fines should be established. ASDC agrees with TDI et al, who suggested that a base of \$8,000 per infraction is fair.

The FCC should require video program distributors to file compliance reports about the amount of closed captioning they provide.

The rules about how much captioning is required are clear. Distributors should be keeping track of how much programming they are captioning in order to ensure that they are meeting the requirements. Compliance reports would not be overly burdensome and would provide the FCC and consumers some assurance that the captioning requirements are being met. Further, the FCC should perform audits for this purpose.

The FCC should expand the requirement for real-time captioning of TV news programs beyond the "top 25" markets.

The FCC should extend its ban on electronic newsroom technique (ENT) beyond the top 25 markets. The types of information that are left out – weather information, travel updates, live interviews, and other reports – are as important as the pre-scripted material, sometimes even more so.

The FCC should provide consumers with an easy way of learning about requests for exemptions from the closed captioning rules.

Regardless of the mechanism used to request exemptions, consumers should have access to the requests so that we can file in opposition if desired. Further, delays in processing requests should be reduced. In the past, if the FCC did not act on an exemption request for an extended period of time, the program continued on the air without captions. To protect the rights of consumers, the FCC should not delay action on requests for exemptions.

The FCC should require distributors and providers to implement procedures to prevent and remedy technical problems.

The FCC should require continuous monitoring by video program distributors or providers – and routine checks of their equipment -- to ensure that technical problems are remedied promptly and efficiently. Also, the FCC should require video programming distributors to reformat edited or compressed captioning. This would prevent a common problem: programs being rebroadcast which haven't been reformatted are often erroneously labeled as captioned in program guides. Now software is available to extract captioning data before video compression and reinsert it afterwards.

Thank you for the opportunity to share our views.

Respectfully submitted,

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